

REMARKS

The examiner rejected claims 1-3 as being anticipated by Sorkin.

The applicant has amended claim 1 to provide for the end of the arm having a surface tangent to the surface of the rebar. This added claimed feature combined with the feature of "an arm extending angularly downward from the cross portion toward the center of the "U" shaped rebar receiving portion ", shows that arms are angled toward the center of the rebar. The end of the arms are therefore pointed substantially at the center axis of the rebar and being adjacent the surface of the rebar prevent the rebar from moving upward out of the cradle, as shown in Figure 1.

The prior art does not have this feature. The arms in Sorkin are on either side of the rebar and allow for the rebar to be removed from the cradle. When the rebar is lifted up the arms of Sorkin will spread apart and the rebar can be removed.

The claims are for arms having an end which is tangent to the surface of the rebar, and at the diameter of the rebar, preventing the rebar from being removed from the rebar spacer.

Since claim 1 has an element not found in the prior art it is not anticipated by the prior art and is allowable.

Further since claim 1 is a generic claim on which all claims are dependent all claims are believed to be allowable. Therefore the withdrawn claims should be allowed.